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OFFICE OF PETITIONS

In re Application of
Chia-Hong Jan et al.
Application No. 09/477,764
Filed: January 4, 2000
Attorney Docket No. 042390.P5488
Title: A DEVICE HAVING RECESSED
SPACERS FOR IMPROVED SALICIDE
RESISSTANCE ON POLYSILICON GATES

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed August 19, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed April 22, 2004, which set a shortened statutory period for reply of three (3) months. On July 23, 2004, an amendment was received, and an advisory action was mailed on August 10, 2004. On August 23, 2004, a second amendment was received, and an advisory action was mailed on August 10, 2005. No further responses were received, and no extensions of time were requested. Accordingly, the above-identified application became abandoned on July 23, 2004.

With the present petition, petitioner has filed the petition fee, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee and the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

C.F.R. §1.137(b)(1). The amendment submitted on August 23, 2004 shall serve as the required submission.

As such, the petition is **GRANTED**.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



**Paul Shanoski
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Office of Petitions
United States Patent and Trademark Office**